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Report of the Secretary-General on the United Nations Mission of Observers in Prevlaka

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1307 (2000) of 13 July 2000, by which the Council extended the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP) until 15 January 2001 and requested me to report to it by 15 October 2000. The present report covers developments since my most recent report on UNMOP of 3 July 2000 (S/2000/647).

2. UNMOP currently consists of 27 United Nations military observers (see annex), headed by a Chief Military Observer, Colonel Graeme Williams (New Zealand).

3. In accordance with its mandate, UNMOP continues to monitor the demilitarization of the Prevlaka peninsula and of the neighbouring areas in Croatia and the Federal Republic of Yugoslavia. It conducts vehicle, foot and standing patrols, except when restrictions of movement are imposed by the parties. The Mission continues to hold regular meetings with the local authorities in order to strengthen liaison, reduce tension, improve safety and security and promote confidence between the parties. The Chief Military Observer also maintains contact with the authorities in Zagreb and Belgrade in order to address issues arising from the implementation of resolution 1307 (2000). Cooperation between UNMOP and the multinational Stabilization Force (SFOR) is maintained through regular meetings.

II. Situation in the area of responsibility of the Mission

4. Since the submission of my most recent report, the situation in the UNMOP area of responsibility has remained calm and stable. UNMOP continues to maintain its 24-hour presence at the team site on the Ostra peninsula, at Herceg Novi in the Federal Republic of Yugoslavia (Montenegro) and at the headquarters at Cavtat and the team site at Gruda in Croatia.

5. The area of responsibility of UNMOP and the designation of the demilitarized and United Nations-controlled zones remain as previously reported. UNMOP maintains the interpretation of the limits of the United Nations-designated zones as defined in reports of the Secretary-General to the Security Council since 1992, regardless of unilateral decisions by one party or the other not to respect the United Nations-mandated security regime. In accordance with its mandate, UNMOP has continued to protest violations of both the demilitarized zone and the United Nations-controlled zone to the authorities in Croatia and the Federal Republic of Yugoslavia, including the Republic of Montenegro, in order to encourage greater respect for the security regime governing the zones.

6. During the reporting period, neither Croatia nor the Federal Republic of Yugoslavia has carried out any demining activities in the UNMOP area of responsibility. As a result, the situation of identified minefields in the area remains unchanged.

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Demilitarized zone

7. The demilitarized zone remains calm and stable. In accordance with the security regime, police forces of the parties maintain control of the zone; these are, on the Croatian side, the Special Police and, on the Yugoslav side, the Montenegrin Border Police and Special Police. With few exceptions, the demilitarized zone has been respected by both parties during the reporting period. Occasional minor violations have been protested by UNMOP to the respective authorities.

8. On 23 September 2000, on the eve of the elections in the Federal Republic of Yugoslavia, a squad of seven Yugoslav Army soldiers was observed in Herceg Novi, guarding a municipal building situated within the demilitarized zone. On the same day, the Montenegrin police deployed an anti-aircraft weapon at Debeli Brijeg on the border between Croatia and the Federal Republic of Yugoslavia (Montenegro), also within the demilitarized zone. UNMOP protested both violations to the respective authorities. The Yugoslav Army personnel were withdrawn early on 24 September 2000. As at the time of writing, the heavy weapon installed by the Montenegrin police remains in position at Debeli Brijeg.

9. As previously reported, the United Nations military observers enjoy unrestricted freedom of movement on the Yugoslav side of the demilitarized zone. On the Croatian side, the authorities continue to require UNMOP to provide advance written notice before undertaking foot or vehicle patrols in the northern part of the zone.

10. The crossing point at Debeli Brijeg remains open on a 24-hour basis, allowing the movement of civilians and commercial traffic between Croatia and the Federal Republic of Yugoslavia (Montenegro).

United Nations-controlled zone

11. The long-standing violations of the security regime in the United Nations-controlled zone remain unchanged. Approximately 25 Croatian Special Police are located at three positions and approximately 10 Yugoslav (Montenegrin) Border Police at present at two positions inside that zone. The Croatian Special Police conduct foot and vehicle patrols throughout the part of the zone accessible to them.

12. The presence of manned checkpoints of both Croatia and the Federal Republic of Yugoslavia (Montenegro) for the purpose of operating a crossing regime at Cape Kobila continues to violate the security regime in the zone. These checkpoints, which are staffed on a 24-hour basis, permit the passage of civilians between Croatia and Montenegro during specified hours (currently four hours per day). UNMOP observers continue to report that the number of persons passing through the Cape Kobila checkpoints remains negligible in comparison with the number of those using the crossing points at Debeli Brijeg. In the period under review, no vehicles, other than UNMOP vehicles, crossed between Croatia and Montenegro at Cape Kobila.

13. While the traffic through Cape Kobila remains insignificant, both the Croatian and Montenegrin authorities continue to permit local residents to enter the United Nations-controlled zone for the purpose of crossing into Montenegro and Croatia, respectively. In addition, the Croatian authorities continue to permit civilians, including local and foreign tourists, to enter the zone for fishing and for agricultural and recreational purposes. The waters of the United Nations-controlled zone continue to be violated frequently by fishing boats and recreational boats which enter from both the Croatian and Montenegrin sides.

14. On 26 August 2000, the Croatian President and an official party entered the United Nations-controlled zone without seeking the prior authorization of the United Nations. This constituted the highest level violation of the zone recorded since the commencement of United Nations monitoring in 1992. This violation was protested.

15. The activities described above, which involve the unauthorized presence of civilians and officials from one or the other side in the United Nations-controlled zone, are violations of the agreed security regime. While they do not constitute a security threat, they nevertheless demonstrate continuing disrespect for some of the provisions of the regime freely agreed upon by the parties.

III. Progress towards a negotiated settlement

16. Both the Federal Republic of Yugoslavia and Croatia have indicated a willingness to resolve their dispute over Prevlaka through bilateral negotiations, pursuant to the Agreement on Normalization of Relations signed by them at Belgrade on 23 August 1996 (S/1996/706, annex). As reported previously, each Government has submitted a proposal for settling the dispute (see S/1998/533 and S/1998/632) and their negotiating teams have held four rounds of talks, the last one at Belgrade on 9 March 1999. In April 2000, Croatia invited representatives of the Federal Republic of Yugoslavia to attend a fifth round of discussions in Croatia at a date to be determined. The Federal Republic of Yugoslavia replied to that invitation by a letter dated 8 June 2000 (see S/2000/602).

17. On 25 July 2000, Croatia forwarded to me a copy of a letter dated 10 July 2000 from the Chairman of the "Croatian Commission for a Lasting Solution to the Prevlaka Security Issue" to the Chairman of the Yugoslav "Commission for Borders", which referred to the letter dated 8 June 2000 from the Federal Republic of Yugoslavia (see para. 16 above). As members of the Security Council will recall, Croatia had also set out its position on the issue of Prevlaka in a joint communiqué with Montenegro dated 30 June 2000 (see S/2000/642). The Federal Republic of Yugoslavia reported its views on the state of relations with Croatia, including on the issue of Prevlaka, in a note verbale dated 4 September 2000 (see S/2000/858, annex). In a further communication dated 2 October 2000 (S/2000/954), the Federal Republic of Yugoslavia again set out its position on the negotiations with Croatia and on the solution of the dispute over Prevlaka. This correspondence continues to reflect the parties' divergent views on the nature of the dispute and the way ahead.

IV. Confidence-building measures

18. As will be recalled, pursuant to the Council's request in resolution 1252 (1999) of 15 July 1999, a package of recommendations and options for confidence-building was conveyed informally to the parties by the Secretariat in October 1999 (see S/1999/1051, para. 20). The package covered basic elements of the dispute, confidence-building measures and freedom of movement for local civilians. Consultations with the parties on the options presented for consideration have continued during the reporting period, including on demarcation of the border, regularization of the crossing points at Debeli Brijeg, introduction of a limited access regime for local civilians in the United Nations-controlled zone and replacement of the checkpoints at Cape Kobila by alternative arrangements worked out under the controlled access regime. The parties continue to favour some options but reject others, reflecting their overall divergent views on the dispute. As a result, their positions on the options package as a whole remain far apart.

V. Observations

19. The United Nations-monitored zones have remained demilitarized and free of significant incidents. Despite, however, the prevailing calm on the ground, there was no movement during the past three months towards a political settlement. Notwithstanding the continuing efforts of UNMOP, consultations on the options for confidence-building measures proposed by the Secretariat have not been followed by substantive progress. Given the continuing differences between the parties on the package of options, it is likely that further progress will have to await more favourable circumstances.

20. During the previous reporting period, Croatia's invitation to the Federal Republic of Yugoslavia to attend a fifth round of negotiations, together with the Yugoslav side's acceptance, had fostered the hope that the parties would find sufficient common ground for restarting their talks on the resolution of the dispute, their divergent views on the issue notwithstanding. This positive development has not, however, been followed so far by a meeting of the negotiating teams. It is to be hoped that recent developments in the Federal Republic of Yugoslavia and the installation of a new leadership in Belgrade will now facilitate an early resumption of negotiations.

21. As observed previously (see S/2000/647, para. 24), although the opening and continued operation of the checkpoints at Cape Kobila in the United Nations-controlled zone, as opposed to the operation of the crossing points at Debeli Brijeg in the demilitarized zone, does not constitute a security threat, it is a violation of the United Nations-mandated

security regime. In order to address this anomaly, the Federal Republic of Yugoslavia and Croatia could, at their discretion, agree to redefine the security regime. Some suggestions in this regard were put to the parties in the package of options conveyed in October 1999. UNMOP stands ready to assist in the formulation of arrangements to give effect to any agreement on this issue which the parties might reach.

22. Central to the full implementation of UNMOP's mandate is the requirement that the United Nations military observers be permitted to patrol their area of responsibility without restrictions to their freedom of movement. I therefore expect the Croatian authorities to allow the United Nations military observers unrestricted access to all areas of the demilitarized zone, with no preconditions.

23. In conclusion, I should like to commend the Chief Military Observer and the men and women of UNMOP for their continuing efforts to create conditions conducive to peace and security in their area of responsibility.

Annex

Composition and strength of the military element of the United Nations Mission of Observers in Prevlaka as at 1 October 2000

Country	Number of military observers
Argentina	1
Bangladesh	1
Belgium	1
Brazil	1
Canada	1
Czech Republic	1
Denmark	1
Egypt	1
Finland	1
Ghana	1
Indonesia	2
Ireland	1
Jordan	1
Kenya	1
Nepal	1
New Zealand	2
Nigeria	1
Norway	1
Pakistan	1
Poland	1
Portugal	1
Russian Federation	1
Sweden	1
Switzerland	1
Ukraine	1
Total	**27**

Map 4137 Rev.2 United Nations
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